

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

JIM B. ESTES,
TDCJ No. 1003415,

Plaintiff,

v.

JOSEPH M. EASTRIDGE, *et al.*,

Defendants.

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Civil Action No. 7:20-cv-00098-M-BP

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

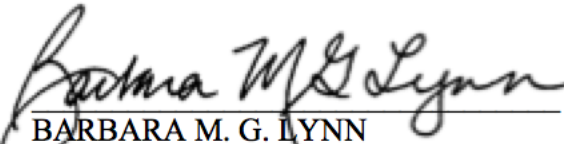
The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. Plaintiff filed objections on March 2, 2022 [ECF No. 40]. The District Court reviewed the proposed Findings, Conclusions, and Recommendation *de novo*. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

It is therefore **ORDERED** that Plaintiff's Amended Motion Seeking Leave to Proceed In Forma Pauperis on Appeal filed on December 7, 2021 (ECF No. 35) is **DENIED**.

The Court **CERTIFIES** that the appeal of this action is not taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 & n.21 (5th Cir. 1997). Based on the Findings and Recommendation, the Court finds that the appeal of this action presents no legal point of arguable merit and is, therefore, frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (per curiam).

Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

SO ORDERED this 28th day of March, 2022.


BARBARA M. G. LYNN
CHIEF JUDGE